

AMENDED IN SENATE FEBRUARY 12, 2010

SENATE BILL

No. 880

Introduced by Senator Yee

(Coauthor: Senator Alquist)

(Coauthors: Assembly Members Buchanan and Torlakson)

January 12, 2010

An act to add Article 3 (commencing with Section 115810) to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, relating to public safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 880, as amended, Yee. Public safety: snow sport helmets.

Existing law requires a person under 18 years of age to wear a properly fitted and fastened bicycle helmet while operating a bicycle or riding upon a bicycle as a passenger upon the streets or any other public bicycle path.

This bill would require a person under 18 years of age to wear a properly fitted and fastened snow sport helmet while operating snow ~~skies~~ *skis* or a snowboard, or while riding upon a seat or other device that is attached to the snow-~~skies~~ *skis* or a snowboard. The bill would provide for fines to be imposed for violations of this prohibition. The bill would, however, require that the charge against a person be dismissed if it is the first charge against that person for a violation of this prohibition.

The bill would also require any snow sport safety helmet sold or offered for sale to be conspicuously labeled in accordance with the specified standards and would prohibit the sale or offer for sale of any snow sport safety helmet which is not of a type meeting the safety

standards. Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 3 (commencing with Section 115810) is
2 added to Chapter 4 of Part 10 of Division 104 of the Health and
3 Safety Code, to read:

4
5 Article 3. Snow Sports
6

7 115810. (a) A person under 18 years of age shall not operate
8 snow-~~skies~~ *skis* or a snowboard unless that person is wearing a
9 properly fitted and fastened snow sport helmet that meets the
10 standards of either the Central European Norm CE1077, the ASTM
11 International F 2040, or the Snell Memorial Foundation RS-98, or
12 the United States Consumer Product Safety Commission (CPSC),
13 or standards subsequently established by those entities. This
14 requirement also applies to a person who rides upon a seat or any
15 other device that is attached to the snow-~~skies~~ *skis* or snowboard.

16 (b) Any snow sport helmet sold or offered for sale for use by
17 operators of snow-~~skies~~ *skis* or a snowboard shall be conspicuously
18 labeled in accordance with the standard described in subdivision
19 (a) which shall constitute the manufacturer's certification that the
20 helmet conforms to the applicable safety standards.

21 (c) No person shall sell, or offer for sale, for use by an operator
22 of snow-~~skies~~ *skis* or a snowboard any safety helmet which is not
23 of a type meeting requirements established by this section.

24 (d) Any charge under this section shall be dismissed when the
25 person charged alleges in court, under oath, that the charge against
26 the person is the first charge against that person under this
27 subdivision, unless it is otherwise established in court that the
28 charge is not the first charge against the person.

(e) (1) Except as provided in subdivision (d), a violation of this section is an infraction punishable by a fine of not more than twenty-five dollars (\$25).

(2) The parent or legal guardian having control or custody of an unemancipated minor whose conduct violates this section shall be jointly and severally liable with the minor for the amount of the fine imposed pursuant to this subdivision.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

CORRECTIONS:

Amending House—Line 1.